REMARKS

Claims 1-21 and 23-38 are pending. Claims 20, 21, and 38 have been amended and claim 22 has been canceled.

Reconsideration of the application is respectfully requested for the following reasons.

I. The Rejection under 35 USC § 102

In the Office Action, claims 20, 21, 24, and 25 were rejected for being anticipated by the Barrus patent. Applicants request the Examiner to withdraw this rejection for the following reasons.

Claim 20 has been amended to recite that "the header information is received without a multimedia portion of the multimedia message" and the determining step includes "determining how to communicate the multimedia message including said multimedia portion based on the header information received without said multimedia portion." (See, for example, Paragraphs [31] and [32] of the specification for support). The Barrus patent discloses a method for transmitting multimedia messages, but Barrus does not disclose the features added to claim 20.

In the Barrus system, multimedia messages are generated, stored, and retrieved for remote access by a display device. (Column 1, lines 28-36). The multimedia message is generated with a header 702 that includes information identifying the person sending the message, the subject of the message, and the time and date the message was saved. (See column 13, lines 46-63 and Figure 7). The Barrus system also allows voice mail messages to be automatically indexed and added to multimedia messages. (See column 24, lines 35-49 and 52-58).

However, Barrus does not disclose that its header information 702 is received "without a multimedia portion of the multimedia message." In fact, Barrus teaches away from these features when it discloses that its multimedia messages are transmitted with multimedia information 710 and 712 in Figure 7. Also, Barrus fails to disclose the step of "determining how to communicate the multimedia message including said multimedia portion based on the header information received without said multimedia portion."

Because the Barrus patent does not disclose all the features of claim 20, it is respectfully submitted that Barrus does not anticipate this claim. Furtherance of claim 20 and its dependent claims to allowance is therefore respectfully requested.

Dependent claim 21 recites that the determining step includes "determining the index value of the multimedia message." Moreover, base claim 20 requires the index value to provide an indication of whether the multimedia message is a newly received message or a previously transmitted message. Barrus does not disclose these features.

Barrus discloses performing an indexing operation (column 24, lines 52-58), but this indexing operation involves indexing and adding a voice mail message to a multimedia message, not determining whether the index value provides an indication of whether the multimedia message is a newly received or previously received message. Accordingly, Barrus also does not disclose determining how to communicate the multimedia message based on whether it is a newly or previously received message.

Applicants submit that claim 21 is allowable, not only by virtue of its dependency from claim 20 but also based on the features separately recited therein.

Dependent claim 24 recites "retrieving a multimedia message having a similar index value from a memory based on the determined index value." The Barrus patent does not disclose the index value of claims 20 and 21. It therefore logically follows that Barrus fails to disclose the retrieving step of claim 24 which is based on this index value. Thus, Applicants submit that claim 24 is allowable, not only by virtue of its dependency from claims 20 and 21 but also based on the features separately recited therein.

II.   The Rejections under 35 USC § 103(a)

Claims 1-7 were rejected for being obvious in view of a Barrus-Kuthyar-Takahashi combination. Applicants request the Examiner to withdraw this rejection for the following reasons.

Claim 1 recites "setting an index value of the multimedia message indicative of whether the multimedia message is a new multimedia message or a previously sent multimedia message; storing the multimedia message in a storage device with the set index value; receiving information including an index value from a user agent" and then "searching the storage device for the multimedia message, the search performed based on a comparison of the index value in the information received from the user agent and the index value set in the stored multimedia message." These features are not taught or suggested by the cited references, whether taken alone or in combination.

As previously indicated, the Barrus patent does not teach or suggest an index value which provides an indication of whether a multimedia message is a new multimedia message or a previously sent multimedia message. Without such an index value, it logically follows that Barrus does not teach or suggest any of the setting, storing, receiving, and searching steps of claim 1, all of which are based on an index value which provides an indication of whether a multimedia message is a new multimedia message or a previously sent multimedia message

The Kuthyar patent discloses a mailbox function which provides a summary of multimedia messages stored in a web server. (See column 5, lines 8-25). The Kuthyar patent, however, does not teach or suggest an index value which provides an indication of whether a multimedia message is a new multimedia message or a previously sent multimedia message. Without such an index value, Kuthyar does not teach or suggest any of the setting, storing, receiving, and searching steps of claim 1, all of which are based on an index value as defined in claim 1.

The Takahashi patent discloses performing a keyword search of a multimedia data file (abstract), and then providing a list which indexes the searched keywords (column 18, lines 56-64 and Figures 14a-c). However, the Takahashi patent does not teach or suggest an index value which provides an indication of whether a multimedia message is a new multimedia message or a previously sent multimedia message. Without such an index value, Takahashi does not teach or suggest any of the setting, storing, receiving, and searching steps of claim 1, all of which are based on an index value as defined in claim 1.

Based on the foregoing differences, it is respectfully submitted that claim 1 is allowable over a Barrus-Kuthyar-Takahashi combination. Furtherance of claim 1 and its dependent claims to allowance is respectfully requested.

Dependent claims 2-6 recite additional features of the index value recited in claim 1. None of these features are taught or suggested by the cited references, whether taken alone or in combination.

Claims 8-19 were rejected for being obvious in view of a Barrus-Takahashi combination. Applicants request the Examiner to withdraw this rejection for the following reasons.

Claim 8 recites "determining an index value of the transmitted header information, wherein the index value indicates whether the multimedia message is a new multimedia message or a previously sent multimedia message." The Barrus and Takahashi patents do not individually or collectively teach or suggest an index value which provides an indication of whether a multimedia message is a new or previously sent message. Absent these features, it is submitted that a Barrus-Takahashi combination cannot render claim 8 or any of its dependent claims obvious. Withdrawal of the § 103 rejection of claims 8-10 is therefore respectfully requested.

Dependent claims 9-11 and 13-17 recite additional features of the index value recited in claim 8. None of these features are taught or suggested by the cited references, whether taken alone or in combination.

Claim 12 was rejected for being obvious in view of a Barrus-Takahashi-Kuthyar combination. Applicants traverse this rejection on grounds that none of these references teach or

suggest the index value in base claim 8. And, since claim 12 further defines this index value, it is respectfully submitted that claim 12 is allowable over the cited combination.

Claim 23 was rejected for being obvious in view of a Barrus-Kuthyar combination. Applicants traverse this rejection on grounds that Barrus and Kuthyar fail to teach or suggest the features added by amendment to base claim 20.

Claims 26-38 were rejected for being obvious in view of a Barrus-Takahashi combination. Applicants request the Examiner to withdraw this rejection for the following reasons.

Claim 26 recites a receiving device to receive at least an index value of a multimedia message and a processor to select information to transmit based on the index value, wherein "the index value indicates whether the multimedia message is a new multimedia message or a previously received multimedia message." Barrus and Takahashi do not teach or suggest these features. Applicants therefore submit that claim 26 is allowable over a Barrus-Takahashi combination. Furtherance of claim 26 and its dependent claims to allowance is respectfully requested.

Dependent claims 27-32 recite additional features of the index value recited in claim 26. None of these features are taught or suggested by the cited references, whether taken alone or in combination.

Claim 33 recites transmitting one of (a) a multimedia message including an index value in a header of the multimedia message, wherein the index value indicates that the multimedia message is a new multimedia message or a changed multimedia message from a previously sent

multimedia message, or (b) only a header of a multimedia message, wherein an index value of the header indicates the multimedia message was a previously sent multimedia message, which has not changed; and receiving one of the header in (b) or the multimedia message in (a), wherein when only the header in (b) is received, the method further comprises retrieving the multimedia message having a corresponding index value as the received header from a storage device.

The Barrus and Takahashi patents do not teach or suggest an index value as defined in claim 33, or any of the other features associated or performed based on this index value. Furtherance of claims 33 and its dependent claims to allowance is therefore respectfully requested.

Claim 38 recites that the receiving step in claim 1 includes "receiving header information that includes the index value, the header information received without multimedia information when the index value indicates that the multimedia message is not a changed message or first-sent message." These features are not taught or suggested by the cited references, whether taken alone or in combination. Withdrawal of the rejection of claim 38 is therefore respectfully requested.

Applicants submit that the application is in condition for allowance. Favorable consideration and timely allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

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